

REMARKS

The specification has been amended to bring it more clearly into accordance with the claim language cited.

In amended Figures 2 and 7, the previously omitted element numerals 1a and 8a have been added.

Claims 1, 7-13 and 20-23 stand rejected under 35 USC § 112 first paragraph as lacking enablement. Claim 12 has been canceled and the replacement paragraphs have conformed the language to the claims. As to the limitation of the zerk fitting, discussion of that term can be found in the specification at page 7, lines 3-8. As to the form of the claims, while the claims may contain some functional language (and functional language is permissible under US practice), there is also ample structural language which sets forth the various elements of the invention and then ties them together by way of location, attachment and the like. The antecedent basis in claims 21 and 22 has been corrected.

Claims 1, 7, 10, 12 and 20 stand rejected under 35 USC § 102(b) as being anticipated by Schaefer. While the device of the Schaefer patent is well known to Applicants having a common assignee, the instant invention represents a substantial advance over such prior art. Contrary to the assertion in the office action, the side seal cartridges 44 and 45 of Schaefer are not held in by his air cap 30 by rather by the threads shown particularly in Figure 2. There is no suggestion as to how one would incorporate such a limitation as claimed.

Since Schaefer does not disclose any air passages in the gun body in his drawings as claimed in claim 7 (the passages cited are in the fluid housing), there is no anticipation or suggestion as to how one would produce the claimed limitations. Similarly, there is no showing of the air valve in the gun body therein. The o-ring seal 34 cited with respect to claim 10 serves to seal inside the fluid housing rather than sealing the fluid housing to the gun body.

Claims 8, 21 and 22 stand rejected under 35 USC § 103(a) as being unpatentable over Schaefer asserting that the limitations are a matter of design choice. It is respectfully submitted that such limitations are more than a simple matter of design choice. Sales of product incorporating the features of the instant invention have exceeded 10,000 units since introduction for a value exceeding \$17,000,000. Such commercial success in view of the many competitive products (of Assignee and others) that preceded the invention have been afforded by greatly increased life and ease of use. Accordingly, it is submitted that the limitations in those claims are not obvious and more than a matter of design choice.

Claims 9 and 11 stand rejected under 35 USC § 103(a) as being unpatentable over Schaefer in view of Keller. It is respectfully submitted that claims 9 and 11 are patentable both for the limitations contained therein as well as for the limitations of the parent claims.

Claims 13 and 23 stand rejected under 35 USC § 103(a) as being unpatentable over Schaefer in view of Ten Pas. While Ten Pas may indeed disclose a spray gun for fast setting materials, his purpose in doing so is very different from Applicants. Ten Pas discloses his fittings 44 for lubrication (col. 4, lines 30-46) and the passages 20 etc. mentioned do not connect to purge air of any other passages normally filled by mixed material. Applicants, on the other hand, connect the

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zerk fitting 25 to the purge air passage 8a. This allows the fluid passages in the mix chamber 19 and the front end of the gun to be filled with grease (which mixes with the purge air to prevent setup and crystallization. Such injection will allow the spray gun to be stored overnight with having to be completely cleaned. Such structure or use is nowhere contemplated or suggested in either Schaefer or Ten Pas.

Accordingly, it is respectfully submitted that the claims as amended patentably distinguish over the references of record. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,



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Attachments